

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26368 of 2005

Between:

Smt.B.Vijayalalitha

..... PETITIONER

AND

The District Collector Kurnool,

Kurnool Ditriect and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 3rd respondent in not passing any orders as per the directions of the 1st respondent in Rc.No.CS.3/324/2005, dated 22.08.2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is stated that the petitioner was appointed as a fair price shop dealer of Alaruddine village, Devanakonda Mandal of Kurnool District in the year 1997 and since then she has been distributing the essential commodities to the cardholders without violating any of the terms and conditions of the authorization and the Control Order. While so, the

3rd respondent issued a show cause notice dated 08.10.2004 calling for explanation as to why her dealership shall not be suspended on the allegations that she has distributed the kerosene and rice by taking 25 paise more per kg. of rice and 50 paise more per litre of kerosene. The petitioner submitted her explanation denying the charges, but her dealership has been suspended by the 3rd respondent by order dated 06.12.2004 as a substantial measure of punishment. One of the grounds for suspension of dealership is also that the petitioner was not holding authorization to run the faire price shop, as her authorization has not been renewed. As against the said order, the petitioner filed an appeal before the 2nd respondent, which was also dismissed by order dated 02.05.2005. Against which, the petitioner filed a revision before the

1st respondent and the revisional authority, in view of the judgment of this Court reported in 2005(1) APLJ 266 (HC) that the punishment of suspension imposed cannot be for a indefinite period, and as no period of suspension was prescribed, remanded the matter to the

3rd respondent for taking final action, in accordance with law, by the impugned order dated 22.08.2005.

I am of the opinion that though the suspension of authorization for an indefinite period is illegal, arbitrary and contrary to the aforesaid judgment, the authorization of the petitioner itself is not renewed in spite of the application filed by the petitioner on 28.10.2004. In those circumstances, it is just and proper to direct the 3rd respondent to consider and dispose of the matter, in accordance with law.

Having regard to the facts and circumstances of the case, the 3rd respondent is directed to consider the application of the petitioner dated 28.10.2004 filed for renewal of her authorization, taking into account that the petitioner has already suffered substantial punishment imposed pursuant to the suspension of her dealership, and pass appropriate orders, in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

Dated: 13.12.2005

Dsr